IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 390 OF 2007

1. Rajkumar Ramkripal Maurya
2. Ramkripal Salukh Maurya
3. Chandrajit Ramkripal Maurya
4. Dilip Ramkripal Maurya
5. Mrs. Kumkum Chandrajit Maurya
6. Mrs. Poonam Dilip Maurya ..Applicants

V/s

State of Maharashtra ..Respondent.

Mr.M.S.Kumthekar, Advocate i/b Mr. A.S. Rao, Advocate for the applicant.

Mrs. M.H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 27TH FEBRUARY, 2007.

P.C.

. Heard Mr. Kumthekar, learned Counsel for the applicants and Mrs.Mhatre , learned APP for the State. The applicants seek anticipatory bail in Crime No.I-12/2007 registered at Ambarnath Police Station for the offence punishable under Section 498A and 306 r/w section 34 of Indian Penal Code and Sections 4 and 5 of Dowry Prohibition Act.

2. The prosecution case, in brief, is that deceased Kusum was married to the applicant No.1 Rajkumar about 8 years prior to her death. At the time of her marriage,

her father had given some cash, ornaments and clothes etc. as dowry. About 4 months prior to her death, applicant No.1 had also made a demand to purchase a cycle and therefore, her father had paid Rs. 2000/- for purchasing cycle. Because of poor financial conditions, her father did not frequently provide gifts and therefore, she was being ill-treated, teased and tortured by other members of the family. Applicant No.2 is father of applicant No.1. Applicant Nos. 3 and 4 are brothers of applicant N1.1 and applicant Nos. 5 and 6 are wives of applicant Nos. 3 and 4 respectively. As applicant Nos. 5 and 6 come from rich families they used to bring valuable presents and gifts, while deceased could not meet such demands and therefore, due to the cruel treatment she committed suicide by hanging herself on 2nd January, 2007. The report of the incident was lodged on 5th January, 2007 by her father and the offence came to be registered.

3. The learned Counsel for both the sides make a statement that applicant Nos. 1, 3 and 4 have already surrendered before the police and therefore, this application for anticipatory bail is to be considered only for applicant Nos. 2, 5 and 6.

4. Applicant No.2 is a old person aged about 61 years. Applicant Nos.5 and 6, as stated above, are sisters-in-law of applicant No.1. The only allegations against them is that their parents are rich and they used to bring valuable presents and gifts and this was the cause of making discrimination against the deceased. It is material to note that according to the prosecution, deceased Kusum had left a suicide note, wherein she expressed that though the outsiders were not knowing, she was being ill-treated by her and due to that she was committing suicide. In the suicide note no allegation of ill-treatment, torture or cruelty is made against other relatives. In view of this, I find no justification to refuse anticipatory bail to applicant Nos. 2, 5 and 6

5. In the event of arrest in Crime No.I-12/2007, registered at Ambarnath Police Station, applicant Nos. 2, 5 and 6 shall be released on their executing P.R. of Rs. 5000/- each with surety in like amount with conditions that they shall make themselves available to police as and when required during day time for the purpose of interrogation

(J.H. BHATIA, J.)